

Solid Waste Advisory Committee (SWAC) Meeting Summary

December 4, 2012, 10:00 AM to 12:00 PM

MassDEP, One Winter Street, Boston, MA

This Solid Waste Advisory Committee (SWAC) meeting was scheduled specifically to review and discuss proposed changes to the MassDEP Waste Ban Guidance Document for Solid Waste Facilities. A summary of the proposed changes is included at the end of these meeting notes. The guidance document is being revised to support implementation of the forthcoming waste ban on commercial organic material, though MassDEP has proposed several other changes as well. For more background on development of the commercial organics ban, please refer to MassDEP's [Organics Action Plan](#) and the [proposed framework](#) for the waste ban on commercial organic materials developed through MassDEP's SWAC Organics Subcommittee.

Participants raised several questions and comments about the proposed ban:

Q: What is the comment period for the regulations and guidance?

A: These discussions with the Solid Waste Advisory Committee and the Organics Subcommittee provide an informal opportunity to discuss the proposed approach and guidance prior to the formal public comment process. MassDEP's schedule calls for issuing the proposed regulation amendments and proposed guidance for public comment and public hearings in early 2013. Attendees are welcome to send comments and questions in the interim to John Fischer at john.fischer@state.ma.us. However, given the schedule for preparing the draft documents, we cannot assure that comments will be taken into account at this stage.

Q: Will separate guidance be going out for the Organics Subcommittee meeting on December 10?

A: Yes, that meeting will focus on draft guidance for businesses, institutions, and haulers on the commercial organics ban. MassDEP will send a draft to the Organics Subcommittee list prior to the meeting. If you are not on the Organics Subcommittee list and would like to be added, please contact John Fischer at john.fischer@state.ma.us.

Questions and Comments on Proposed Changes to Solid Waste Facility Waste Ban Guidance

Definition of "Commercial Organic Material"

Q: How would the ban apply to packaged food products that are disposed of? For example this could be spoiled or damaged product that is still in the original packaging.

A: MassDEP will work on developing a response to this question for further discussion at the December 10th Organics Subcommittee meeting.

Q: Does the definition of "commercial organic material" include meat and dairy?

A: Yes, this includes all food material, including meat and dairy products.

Changes to Comprehensive Inspections

Q: Is the actual phrasing 'walk around load' included in the guidance?

A: Yes, this phrase is included in the guidance. There may be some differences from one facility to another in terms of how comprehensive inspections are conducted given facility space constraints, equipment, etc. but the guidance specifies walking around the load with the idea that it should be viewed from different angles to more easily observe banned materials in the load.

Q: What degree of monitoring and staff presence is required for ongoing monitoring?

A: This may vary from one facility to another and is specified in the specific waste ban plan for each facility.

Changes to Banned Material Action Levels

Q: What was the basis for MassDEP to propose the 40 percent combined action level?

A: This action level, as with others, is intended to focus on loads with significant quantities of banned materials, while tightening these levels from the levels on the current guidance. Going forward, as proposed, the action levels for these material categories (recyclable paper, bottles and cans, leaves and yard waste, construction and demolition materials, and commercial organic material) combined equal more than 60 percent, so this would be a tighter action level.

Comment: Several participants expressed support for adding a combined action level for all waste ban materials, but argued that it should be lower, either 20 percent, or even as low as zero. There also was support for lowering the action levels for recyclable paper and bottles and cans, but also support expressed for lowering them further.

Q: Are the action levels set by weight or volume? Is it possible to discern these percentages by visual inspection?

A: The action levels are based on the percent of a load by volume. This is possible to estimate fairly accurately by visual inspection. However, this would not be possible for a weight based action level.

Solid Waste Facility Communication to Haulers and Generators

Comment: Several representatives of solid waste facilities expressed concerns over provisions in the guidance for notifying haulers and generators of waste ban violations. There was some concern that letters to haulers for failed loads for commercial organic material may cause confusion since these would not actually be failed loads unless they came from a business or institution that generates more than one ton of food waste/week. There was a particular question about how this would work for mixed loads from multiple sources.

A: Municipally contracted residential waste loads would be exempt for inspections for commercial organic material, so the facility would not have to inspect and monitor those loads for commercial organic material. For other loads, the facility would record a load as a failed load any time that it contained more than 10 percent of commercial organic material by volume, regardless of the source. MassDEP does not expect this to occur for a high percentage of loads, as 10 % by volume in a load is a relatively large quantity of food waste. When a failed load is recorded, it would be the hauler's responsibility to follow up with its customers and determine whether any may be subject to the ban. This would work in similar fashion as it does now for

commercial routes. MassDEP's follow up for a commercial organics failed load would be similar.

Comment: There was concern expressed about whether it is acceptable for solid waste facilities to send letters to generators, given that this could be going to a competitor's customer.

A: MassDEP's expectation is that these letters would go to both the hauler and the generator, when the generator can be identified.

Need for More Enforcement and Outreach

Comment: Several participants stated that MassDEP needs to conduct additional waste ban inspections, enforcement, and outreach to support the ban both for existing banned materials and for adding commercial organic material. In particular, there is a need for more enforcement.

A: MassDEP agrees that additional waste ban inspections and enforcement are important and this is a priority for MassDEP's limited staff resources. However, MassDEP is also looking to drive improved compliance through outreach to generators and haulers and technical assistance through the RecyclingWorks in Massachusetts program. MassDEP expects to conduct additional outreach as we proceed with the development of the waste ban on commercial organics material.

Next Meeting

The next meeting of the Solid Waste Advisory Committee is scheduled for January 24, 2013 from 1pm-3pm at MassDEP's Boston office.

DRAFT Revised Waste Ban Guidance Document
Summary of Changes for Solid Waste Advisory Committee Discussion
December 4, 2012

- **Definition of “commercial organic material”:** Add commercial organic material as a banned material and include definition, also add definition of “Residence or residential” in this context – see pgs. 3-4 for definitions.
- **Eliminate bag opening option for comprehensive inspections:** Previously facilities could choose between conducting a lower number of comprehensive inspections per month, including opening bags, or conducting a larger number of inspections per month without opening bags. Because of worker health and safety concerns, conducting inspections without opening bags has become the standard for the industry. Therefore, MassDEP has proposed to remove this option to streamline the guidance. See page 12.
- **Add cumulative action level for all banned materials:** Propose to add a cumulative action level across banned materials, so that if all banned materials together exceed 40% of a load by volume, that would be considered a failed load in a facility’s waste ban plan, even if none of the materials exceed an action level for a specific material. See page 8.
- **Change action levels for recyclable paper and bottles and cans:** Propose to reduce the action level for both of these materials from 20% to 10%. See page 8.
- **Comprehensive inspections:** Eliminate Department Approved Recycling Program (DARP) and adding business recycling certification program: The DARP program ended July 1, 2012, so there are no longer “DARP loads” that are exempt from comprehensive inspection. However, loads from locations certified under MassDEP’s Supermarket Recycling Certification Program and any other similar certification programs that are developed, would be exempt from comprehensive inspections. See pages 10-11.
- **Revise facility letters to haulers:** The facility sample letter to haulers has been modified to address failed loads for commercial organic material when applicable. See page 17.
- **Revise facility letters to generators:** Previously the guidance included a provision for the facility to send a letter to municipalities that have been identified as disposing of banned materials. MassDEP has proposed to change this provision and letter, so that facilities would send letters to any generator that is identified as disposing of banned materials, in addition to the letter to haulers. See page 14.
- **Determine what permit modification form(s) to use:** MassDEP is considering what permit modification form to require for facilities that modify their waste ban plans. We are considering streamlining the types of permit modification forms used for waste ban compliance plans to make this process simpler. See page 7.